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STANFORD UNIVERSITY and MAIA YOUNG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SOREN ANDERSEN,

Plaintiff,

VS.

MAIA YOUNG, an individual; STANFORD UNIVERSITY, a business entity unknown; and DOES 1-100, inclusive,

Defendant.

No. C-07-03766 (JW)

STANFORD UNIVERSITY'S AND
MAIA YOUNG'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
MOTION TO DISMISS FIRST
AMENDED COMPLAINT
PURSUANT TO FRCP 12(b)(1) AND
(6)

Date: November 19, 2007
Time: 9:00 a.m.
Dept.: Courtroom 8
Judge: Hon. James Ware

Defendants STANFORD UNIVERSITY and MAIA YOUNG respectfully request that this Court take judicial notice of the following documents contained in the court files in the case entitled *Andersen v. Young*, Santa Clara County Superior Court Case No. 1-04-CV-042734 (“State Court Action”) and the appellate record for that case:

1. “First Amended Complaint for Defamation” (filed July 13, 2004), a court-certified copy of which is attached hereto as Exhibit A.

2. “Statement of Decision; Order” (filed August 31, 2004), a court-certified copy of which is attached hereto as Exhibit B.

1 3. Decision of Court of Appeal of the State of California, Sixth Appellate
2 District in Case Nos. H029484 and H029742 (filed November 6, 2006), a court-certified
3 copy of which is attached hereto as Exhibit C.

4 4. California Supreme Court's denial of Plaintiff's Petition for Review in Case
5 No. S148839 (filed January 17, 2007), a court-certified copy of which is attached hereto as
6 Exhibit D.

7 5. "Order Granting Motion for Attorneys' Fees Pursuant to CCP 425.16 On
8 Remand" (filed June 22, 2007), a court-certified copy of which is attached as Exhibit E.

9 Defendants' request for judicial notice is based upon Rule 201(b)(2) of the Federal
10 Rules of Evidence, which allows courts to take judicial notice of facts "not subject to
11 reasonable dispute" that are "capable of accurate and ready determination by resort to
12 sources whose accuracy cannot reasonably be questioned." Rule 201(b)(2) allows judicial
13 notice of court records of other cases. *See Kourtis v. Cameron*, 419 F.3d 989, 994 n.2 (9th
14 Cir. 2005) (holding that court records from related proceedings can be taken into account
15 without converting a motion to dismiss into a summary judgment motion); *Shaw v. Hahn*,
16 56 F.3d 1128, 1129 n.1 (9th Cir. 1995) (taking judicial notice of court records in connection
17 with a motion to dismiss); *MGIC Indemnity Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir.
18 1986) (taking judicial notice of pleading filed in separate action).

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1 Therefore, Defendants respectfully request that the Court take judicial notice of the
2 above-entitled documents in this proceeding.

3 Dated: August 31, 2007.

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10 By /s/ Jason A. Catz

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